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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Greene, et al.

Serial No.: 08/425,766

Filing Date: April 19, 1995

Group Art Unit:

Examiner:

Title:

RECEIVED

NOV 21 1995

OFFICE OF COMMISSIONER
OF PATENTS AND TRADEMARKS

METHOD AND APPARATUS FOR DISPOSING
OF WASTE MATERIAL

4774

Special Program Law Office
Office of the Deputy
Assistant Commissioner of
Patent Policy and Projects
Crystal Park 1, Suite 520,
Washington, D.C. 20231
Attn: Magdalen Y.C. Greenlief

Dear Sir:

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
as first class mail in an envelope
addressed to: Commissioner of Patents
and Trademarks, Washington, D.C.
20231, on

11/15/95

Judy Baggett
Name

11/15/95

Date of Signature

**RESPONSE TO NOTICE TO
DECISION REFUSING STATUS UNDER 37 CFR § 1.47(a)**

This is in response to the Decision Refusing Status Under
37 CFR 1.47(a). Applicants submit herewith:

a) A copy of the Notice to DECISION REFUSING STATUS UNDER
37 CFR 1.47(a); and

b) A copy of the May 17, 1995 letter from Daniel V. Thompson, Esq. referred to by Senior Legal Advisor Magdalen Y.C. Greenlief in her reason for denying status under 37 CFR § 1.47(a).

The submission of the item under (b) above should place the present application in condition for receiving status under 37 CFR § 1.47(a). The Patent Office is encouraged to contact Applicants' attorney at the number listed below if any additional information would be beneficial in deciding the pending request.

The Commissioner is hereby authorized to charge any fees or credit any over-payments to Deposit Account No. 02-0384 of Baker & Botts, L.L.P.

Respectfully submitted,
BAKER & BOTTS, L.L.P.



Thomas A. Gigliotti
Reg. No. 37,579

2001 Ross Avenue
Dallas, Texas 75201
(214) 953-6561



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

DOCKETED

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Baker & Botts, L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

Response Due:
December 31, 1995

OCT 31 1995

In re Application of
Greene *et al*
Application No.: 08/425,766
Filed: April 19, 1995
Attorney Docket No.: 017220.0115

OFFICE OF PETITIONS
AND PATENTS

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This Reissue application was filed April 19, 1995, with a Declaration under 37 CFR 1.63 signed by joint inventor Greene. Papers filed June 19, 1995, in response to a "Notice To File Missing Parts ... Filing Date Granted" mailed May 17, 1995, included, *inter alia*,:

- (1) a petition under 37 CFR 1.47 with fee;
- (2) a declaration of facts of Thomas A. Gigliotti stating that he received a letter (of May 17, 1995) (purported to be attached) from the non-signing inventor's attorney, Mr. Daniel V. Thompson, refusing to execute the application papers for the present Reissue application; and
- (3) the surcharge.

The above application and papers have been reviewed but not found in compliance with 37 CFR 1.47(a) based on the following reason:

- (1) Rule 47 applicant failed to show or provide proof that the non-signing inventor refused to execute the application papers. Although the statement of Thomas A. Gigliotti asserts that a copy of a letter of refusal (of May 17, 1995) was attached thereto, no letter (of May 17, 1995) of refusal has been found to be included with the papers filed June 19, 1995.

Status under 37 CFR 1.47(a) is DISMISSED at this time. Rule 47 applicant is given TWO MONTHS from the mailing date of this application to respond, correcting the above-noted deficiency. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). Response should be directed to the Special Program Law Office, Office of the Deputy Assistant Commissioner for Patent Policy and Projects, Crystal Park 1, Suite 520, Washington, D.C. 20231.

Magdalen Y.C. Greenlief

Magdalen Y.C. Greenlief
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

jeb

Docket _____ Status _____
Wrapper _____
Reference(s) _____

Baker & Botts, L.L.P.

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THOMPSON & HOWISON, L.L.P.

ATTORNEYS AT LAW
PATENT AND TRADEMARK MATTERS

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DANIEL V. THOMPSON
GREGORY M. HOWISON
JOE H. SHALLENBURGER

Telephone (214) 479-0450
Facsimile (214) 479-0215

May 17, 1995

Thomas A. Gigliotti, Esquire
Baker & Botts, L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

Re: Reissue Application - U.S. Patent No. 5,203,267
Our File: A-15538 - Your Ref: 017220.0115

Dear Mr. Gigliotti:

I have reviewed the proposed reissue application Declaration with Mr. Greene, and he has declined to sign it.

Very truly yours,

THOMPSON & HOWISON, L.L.P.


Daniel V. Thompson

DVT/cgm